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5 Attorneys for Defendants
6 COUNTY OF SANTA CLARA and Its
7 Santa Clara Valley Medical Center,
8 PAUL ESTESS AND ANNA HUGHES

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 HUIMIN SONG,
12 Plaintiff,
13 v.
14 COUNTY OF SANTA CLARA, et al.,
15 Defendants.

No. 12-CV05848 RMW

**STIPULATION AND ORDER ENLARGING
TIME FOR DEFENDANTS TO RESPOND
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT AND CONTINUANCE OF
CASE MANAGEMENT CONFERENCE**

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17 The parties, through their respective counsel of record, hereby stipulate and agree to an order
18 enlarging time, until September 13, 2013, for Defendants County of Santa Clara and its Santa Clara
19 Valley Medical Center, Paul Estess and Anna Hughes to file and serve a response to the First
20 Amended Complaint of Plaintiff Huimin Song. The First Amended Complaint was served on March
21 13, 2013.

22 Although this is the third requested extension, good cause exists for this enlargement of time.
23 Song and the County of Santa Clara are involved in litigation in the matter of *Huimin Song and Andy*
24 *Xie v. County of Santa Clara, Santa Clara Valley Medical Center, et. al.*, Case No. CV11-04450,
25 pending before United States District Judge Edward J. Davila. The parties have been engaged in
26 private mediation since January 16, 2013 with mediator Kael Briski of the Briski Mediation Group.
27 Since the initial mediation on January 16, the parties and Mr. Briski have had countless email
28 communications, four face to face discussions and no less than thirty phone conferences. Settlement

1 demands, offers and terms of resolution have been exchanged. The settlement discussions have
2 involved resolution of all issues, including the allegations giving rise to this lawsuit, between Song
3 and the County. Although the parties believed the matter resolved on April 29, 2013, as part of the
4 larger settlement involving *Huimin Song and Andy Xie v. County of Santa Clara, Santa Clara Valley*
5 *Medical Center*, issues developed concerning the terms of that agreement. The parties have
6 continued to attempt to resolve the dispute with additional face-to-face discussions and inclusion of
7 the mediator.

8 Pursuant to the scheduling order in *Huimin Song and Andy Xie v. County of Santa Clara,*
9 *Santa Clara Valley Medical Center*, Defendants filed a summary judgment motion which is
10 scheduled for hearing on August 30, 2013. The parties expect that the issues concerning the
11 settlement agreement will either resolve before the August 30 hearing, and all litigation will be
12 dismissed, or the outcome of the summary judgment motion on August 30 will impact how the
13 remaining settlement issues will be addressed.

14 In view of the time and effort that will be necessary to prepare an appropriate responsive
15 pleading and the anticipated settlement of all litigation, the parties respectfully request an order
16 enlarging Defendants time to respond to the First Amended Complaint to September 13, 2013.
17 Furthermore, the parties request that the Case Management Conference be continued to Friday,
18 September 27, 2013, 10:30 a.m.

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1 I hereby attest that I have on file the holograph signature indicated by a "conformed"
2 signature (/S/) within this e-filed document.

3 IT IS SO STIPULATED

4 Respectfully submitted,

5 **LAW OFFICES OF
6 BONNER & BONNER**

7 Dated: August 1, 2013

8 By: _____ /S/
9 CHARLES A. BONNER, ESQ.
10 Attorney for Plaintiff
11 HUIMIN SONG

12 ORRY P. KORB
13 County Counsel

14 Dated: August 1, 2013

15 By: _____ /S/
16 JOHN L. WINCHESTER, III
17 Deputy County Counsel

18 Attorneys for Defendant
19 COUNTY OF SANTA CLARA and Its
20 Santa Clara Valley Medical Center,
21 PAUL ESTESS AND ANNA HUGHES

22 **ORDER**

23 Defendants may have to and including September 13, 2013 by which to file and serve a
24 response to Plaintiff's First Amended Complaint. The Case Management Conference is continued to
25 September 27, 2013, 10:30 a.m. The Joint Case Management Statement is to be filed no later than
26 September 20, 2013.

27 Dated: _____

28 
HONORABLE RONALD M. WHYTE
United States District Court Judge